REMARKS/ARGUMENTS

Claims 1 and 3 are pending in the present application, with claim 1 being an independent claim.

The Rejection of Claims 1 and 3 Under 35 U.S.C. § 112

The Examiner has finally rejected claims 1 and 3 under the provisions of 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Examiner has alleged that there is no supporting description in the specification for the claim recitation, "said SIMD unit and said VLC unit are configured to be connected to an external memory through internal data bus and an external data interface regardless of said processor in order to be program-controlled by an outside unit." Applicants respectfully traverse the rejection.

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. See, e.g., *Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1563, 19 USPQ2d at 1116. The examiner has the initial burden, after a thorough reading and evaluation of the content of the application, of presenting evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims. There is a strong presumption that an adequate written description of the

claimed invention is present in the specification as filed, *Wertheim*, 541 F.2d at 262, 191

USPQ at 96. "Consequently, rejection of an original claim for lack of written description

should be rare." (See, MPEP § 2163 Guidelines for the Examination of Patent

Applications Under the 35 U.S.C. 112, para. 1, "Written Description" Requirement.)

Moreover, even if there is no explicit support, which is not the present situation, the

Applicants can still comply with the written description requirement, if the claims are

implicitly or inherently supported in the originally filed disclosure.

Explicit Support for the Allegedly Unsupported Claim Recitation

The Applicants believe that there is explicit support in the specification for both

the structure and function described in the allegedly unsupported claim recitation. In

order to demonstrate the support for the claimed structure, Fig. 1 and the claim

recitation with reference numbers in parentheses are reproduced below in the Table I:

TABLE I

Figure 1 of the Present Application	Claim Recitation with Reference Numbers from Fig. 1
FIG.1	"said SIMD unit [101] and said VLC unit [102] are configured to be connected to an external memory [203] through internal data bus [154] and an external data interface [103] regardless of said processor [105]"

In order to demonstrate the support for the claimed functional language, the functional language of the claim recitation and the exemplary support in the specification are reproduced below in the Table II:

TABLE II

The Functional Language of the Claim Recitation	Exemplary Support in the Specification
"in order to be program-controlled by an outside unit"	In accordance with an aspect of the present invention, there is provided an image processing device comprising: an SIMD (Single Instruction stream Multiple Data stream) calculating unit for performing operations, such as motion compensation, motion prediction, DCT processing, IDCT processing, quantization, and reverse quantization *by means of a pipeline operation unit that can be program-controlled by an outside unit*; a VLC (Variable Length Code) processing unit for performing variable-length encoding processing and variable-length decoding processing according to a given encoding method; . [paragraph 0009], [emphasis added]. In the figure, reference numeral 101 denotes an SIMD (Single Instruction stream Multiple Data stream) calculating unit for performing operations, such as motion compensation, motion predictions, DCT processing, IDCT processing, quantization, and reverse quantization by means of *a pipeline operation device that can be program-controlled by an outside unit*, numeral 102 denotes a VLC processing unit for performing variable-length encoding processing and variable-length decoding processing according to a given encoding method, and numeral 103 denotes an external data interface for performing a data transfer between the image processing device and *an outside unit*. [paragraph 0022], [emphasis added]. An image processing device according to a second embodiment of the present invention includes a RAM (Random Access Memory) into which *instructions can be downloaded from outside* the image processing device as the instruction memory 104 shown in FIG. 1. The other structure of the image processing device according to the second embodiment is the same as that of the image processing device according to the first embodiment. The image processing device according to the second embodiment operates in the same way that the image processing device according to the first embodiment does, with the exception that instructions are downloaded into the RAM. [paragraph 0040], [emphasis added]. As mentioned above, in accordance with the second embodiment of the present invention, since the image processing device includes the RAM into which *instructions can be downloaded from outside* the image processing device, the image processing device can support various encoding methods with the single LSI. [paragraph 0041], [emphasis added].

In view of the explicit written description of the allegedly unsupported claim recitation, the Examiner is respectfully requested to withdraw the rejection based upon the provisions of 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Implicit Or Inherent Support

Even if explicit support is not present in the specification, the Applicant can rely upon implicit or inherent support for the claim recitation in the written description. When an explicit description of a limitation in a claim "is not present in the written description whose benefit is sought it must be shown that a person of ordinary skill would have understood, at the time the patent application was filed, that the description requires that limitation." *Hyatt v. Boone*, 146 F.3d 1348, 1353, 47 USPQ2d 1128, 1131 (Fed. Cir. 1998). See also *In re Wright*, 866 F.2d 422, 425, 9 USPQ2d 1649, 1651 (Fed. Cir. 1989); *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) ("To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.") (Citations omitted.) Accordingly, in addition to the explicit support provided in the specification, it is respectfully submitted that one skilled in the art would either implicitly or inherently know how to utilize the disclosed apparatus that is "programmed controlled by an outside unit".

For all of these reasons, the Applicants respectfully submit the written description requirement for claims 1 and 3 has been met, and the Examiner is respectfully requested to withdraw the rejection based upon the provisions of 35 U.S.C. § 112, first paragraph.
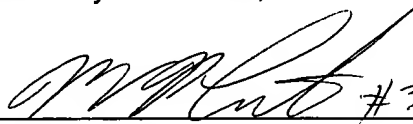
Conclusion

Accordingly, it is respectfully submitted that the pending claims are allowable over the cited prior art for the reasons described above, and the Examiner is respectfully requested pass the present case to allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard J. McGrath (Reg. No. 29,195) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By _____ #39,491

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